

Message Text

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51
ACTION SS-30

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FM AMEMBASSY NASSAU
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EXDIS

E. O. 11652: GDS
TAGS: PFOR CPRS BF
SUBJ: EXTRADITION - ROBERT L. VESCO

REF: STATE 215275; STATE 215015

BEGIN SUMMARY: AMBASSADOR, ACCOMPANIED BY DCM, DELIVERED VESCO EXTRADITION REQUEST TO MINISTER OF EXTERNAL AFFAIRS ADDERLEY AT 10 A.M. NOVEMBER 1. ADDERLEY DID NOT RAISE ARTICLE I ISSUE BUT ASKED FOR OUR HELP IN ASCERTAINING PROPER INTERNAL GCOP PROCEDURES FOR HANDLING REQUEST (SINCE, BAHAMAS NOW BEING AN INDEPENDENT COUNTRY, PROCEDURES PREVIOUSLY FOLLOWED NO LONGER APPLY) AND EXPRESSED APPREHENSION WHETHER IT WAS PROPER FOR HIM TO ACCEPT ACCOMPANYING DOCUMENTS, OR WHETHER THESE MIGHT MORE APPROPRIATELY BE GIVEN BY EMBASSY TO MAGISTRATE AFTER US REQUEST TRANSMITTED TO HIM. NEVERTHELESS, HE ACCEPTED DELIVERY AS OFFERED. END SUMMARY.

1. AMBASSADOR STATED HE WAS, UNDER INSTRUCTIONS, FORMALLY REQUESTING EXTRADITION OF ROBERT L. VESCO PURSUANT TO ARTICLE 15 OF US-UK EXTRADITION TREATY, AND HANDED ADDERLEY NOT (TEXT AS DELIVERED SEPTEL) AND ACCOMPANYING DOCUMENTS TRANSMITTED BY UNNUMBERED DEPARTMENT AIRGRAM (PARA 2, STATE 212447). AMBASSADOR NOTED REQUEST IS BEING MADE FOR CRIME OF FRAUD, LISTED AS OFFENSE NOS. 17 AND 18 OF ARTICLE 3 OF TREATY, AND THAT AUTHENTICATED DOCUMENTATION ACCOMPANYING REQUEST FOCUSED DIRECTLY ON ELEMENTS OF FRAUD. AMBASSADOR ALSO NOTED THAT UNDER SAME TREATY PROVISIONS AND BASED ON CONFIDENTIAL

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SAME INDICTMENT, BERMUDA MAGISTRATE ISSUED ARREST WARRANT FOR VESCO A FEW WEEKS AGO.

2. AMBASSADOR CONTINUED THAT GIVEN BACKGROUND AND INTERNAL

CONCERN ABOUT THIS EXTRADITION REQUEST, HE WISHED TO UNDERLINE THAT ESSENCE OF CRIME IS THE FRAUDULENT SCHEME ITSELF, THAT OFFENSE OF 18 USC 1343 IS REPEAT IS FRAUD AND THAT NOTHING IS ADDED TO GUILT OF VIOLATOR OF THIS STATUTE BY USE OF INTERNATIONAL COMMUNICATIONS FACILITIES. AMBASSADOR STATED USG ATTACHES GREAT IMPORTANCE TO THIS ISSUE AND WISHES TO AVOID ANY POTENTIAL EMBARRASSMENT TO RELATIONS BETWEEN OUR TWO NATIONS CAUSED BY VESCO'S CONTINUED USE OF BAHAMAS AS REFUGE FROM US JUSTICE.

3. ADDERLEY'S FIRST REACTION WAS THAT THIS REQUEST UNNECESSARY SINCE WE COULD PROCEED DIRECTLY TO PRESENT FURTHER EVIDENCE PURSUANT TO OUR REQUEST OF JUNE 9. AMBASSADOR STATED THAT IN FIRST PLACE THIS WAS DIRECT REQUEST FOR EXTRADITION, NOT JUST "PROVISIONAL ARREST" FOR EXTRADITION, BUT EVEN MORE IMPORTANTLY REQUEST WAS BASED ON NEW INDICTMENT. ADDERLEY AGREED THAT IN THIS CASE A NEW REQUEST WAS APPROPRIATE.

4. NEXT ADDERLEY RAISED QUESTION OF PROPRIETY OF HIS RECEIVING MORE THAN JUST BARE REQUEST FOR EXTRADITION AND WHETHER IT WOULD NOT BE MORE APPROPRIATE FOR U.S. TO MAKE ACCOMPANYING DOCUMENTS AVAILABLE TO MAGISTRATE WHILE HE IS CONSIDERING ISSUE OF WARRANT FOR ARREST. AMBASSADOR STATED THAT HE WAS NOT AN EXPERT ON THESE MATTERS BUT THAT INSTRUCTIONS HAD BEEN PREPARED BY THOSE WHO WERE AND HE WAS CONFIDENT THAT PROCEDURE WE WERE FOLLOWING WAS ENTIRELY APPROPRIATE. ADDERLEY SAID HE DID NOT WANT TO BE CALLED TO ACCOUNT BY BAHAMIAN COURTS FOR ACTING IMPROPERLY BUT HAD APPREHENSIONS ON THIS POINT. AMBASSADOR SAID WE WOULD NOTE HIS APPREHENSIONS TO WASHINGTON AND SEE IF ANY COMMENT WAS FORTHCOMING, BUT THAT WE HAD NO ALTERNATIVE BUT TO ASK HIM TO TAKE DELIVERY OF ENTIRE PACKAGE SINCE ACCOMPANYING DOCUMENTS WERE IN EFFECT INSEPARABLE FROM COVERING NOTE. ADDERLEY HIMSELF REFERRED TO EARLIER COMMENT BY MAGISTRATE CITED IN GOVERNOR'S NOTE OF JUNE 22 (TEXT IN NASSAU 1536) RE NEED FOR SUFFICIENT EVIDENCE TO ACCOMPANY ORDER, WHICH SEEMED TO INDICATE THAT US WAS FOLLOWING THESE PROCEDURES BECAUSE OF DEFICIENCIES BAHAMIANS HAD

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FOUND IN OUR PREVIOUS APPROACH.

5. FINALLY, ADDERLEY ADMITTED HE WAS A LITTLE AT A LOSS ON EXACTLY HOW TO PROCEED GIVEN CHANGE IN SITUATION SINCE LAST US REQUEST MADE DUE TO FACT BAHAMAS NOW AN INDEPENDENT NATION AND GOVERNOR-GENERAL NO LONGER HAS A ROLE IN THESE MATTERS. IN OTHER WORDS, WHO DOES WHAT TO WHOM. HE AGREED THIS WAS AN ENTIRELY INTERNAL MATTER FOR GCOB BUT WONDERED IF WE COULD USE OUR GOOD OFFICES TO DETERMINE HOW A MATTER LIKE THIS WOULD BE HANDLED INTERNALLY IN UK AFTER A US EXTRADITION REQUEST HAD BEEN MADE. WE UNDERTOOK TO DO THIS IMMEDIATELY BY TELEPHONE AND TO ADVISE HIM SO HE COULD PROCEED WITH MATTER TODAY.

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